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TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

MAY 8, 2006

MEMBERS PRESENT: MICHAEL KANE, CHAIRMAN
KIMBERLY GANN
KATHLEEN LOCEY
ERIC LUNDSTROM
PAT TORPEY

ALSO PRESENT: MICHAEL BABCOCK
BUILDING INSPECTOR

ANDREW KRIEGER, ESQ.
ZONING BOARD ATTORNEY

MYRA MASON
ZONING BOARD SECRETARY

REGULAR_MEETING

MR. KANE: I'd like to call to order the May 8, 2006
meeting of the New Windsor Zoning Board.

PRELIMINARY_MEETINGS:

ANTHONY_FAYO_(06-25)

Mr. Anthony Fayo appeared before the board for this proposal.

MR. KANE: Request for accessory building to project closer to the road than principal building at 308 Bull Road.

MR. BABCOCK: Maybe I can fill in the board just a little bit. This applicant was here and received his variance and changed some plans on the building and didn't get a chance to start this in the time limitations that was there. He was approved on 9/27/04 and now he'd like to construct the garage in the exact same place, same variance request, basically expired.

MR. KANE: So are we proceeding as this is a renewal of the variance or are we going to proceed as this is a brand new one?

MR. KRIEGER: It expired, you've got to, you know, procedurally as if it didn't happen before but presumably the applicant would expect that you'd ask the same questions.

MR. KANE: Tell us what you want to do, Anthony.

MR. FAYO: I'd like to put a garage on my property and the way the lot's set up it's long and narrow, my house sits back 1,200 feet back from the road, I want to put the garage before my house.

MR. KANE: Cutting down substantial vegetation or trees in the building of it?

MR. FAYO: Probably six or seven at the most.

MR. KANE: Creating any water hazards or runoffs?

MR. FAYO: No.

MS. GANN: How big would the garage be?

MR. FAYO: 40 x 50.

MR. KRIEGER: Designed to hold two cars?

MR. FAYO: Two cars, maybe a boat, maybe a piece of equipment.

MR. KANE: Will it be visible from the road?

MR. FAYO: Yes.

MR. KANE: Does it extend further in front of the house or closer to the road than the initial building?

MR. BABCOCK: Yes, that's the reason he's here.

MR. KANE: How far off the road are we?

MR. FAYO: It's 200 or 300 feet I'm going to set it back.

MR. KANE: And the building of the garage isn't going to change the nature of the neighborhood?

MR. FAYO: No.

MR. KANE: Any further questions? I'll accept a motion.

MS. GANN: I will offer a motion that we set up Anthony Fayo for a public hearing for his request for the garage, his garage to be closer to the road than the principal building at 308 Bull Road in an R-1 zone.

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MR. TORPEY: I'll second it.

ROLL CALL

MS. GANN	AYE
MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

MR. KANE: Same thing in the public hearing, you know what we do.

MR. FAYO: Thank you very much.

4_SEASONS_DOLLAR_STORE_(06-26)

MR. KANE: Request for sign variances, sign number 1, 8" variance requested, sign number two, 1'6" x 16'2" sign request at 176 Windsor Highway, Suite 100-500 in a PUD area.

Mr. Tom Walsh appeared before the board for this proposal.

MR. KANE: Tell us what you want to do, sir.

MR. WALSH: As you just read, there's 4 Seasons occupies a hundred feet of frontage on this, their particular store unit, I'd like to fabricate, typically it would be one channel letter sign but since the indenture is kind of makes the architecture of the building the way it is, we have to separate the signs as shown.

MR. KANE: This is the new Dollar Store on 32 and Union on the corner?

MR. WALSH: Yes and then the photograph here shows each sign and the two indentures from the corner of the building.

MR. KANE: Let the record show the pictures of the signs that are superimposed on it size wise will look fine on the store, they're not over big.

MR. BABCOCK: When they built the building they actually made a recess for the signs there so he couldn't do 4 Seasons Dollar Store above each other because he's got a recess so that's why it's really one sign but it is actually two.

MR. WALSH: Well the other thing is that your code allows for 2 1/2 foot by 10 foot which would not fit in the indenture either even though on the signs each

individual sign is under the square footage that's allowed.

MR. KANE: Any illumination?

MR. WALSH: Internally.

MR. KANE: Non-flashing non-neon?

MR. WALSH: It's internal neon.

MR. KANE: Non-flashing?

MR. WALSH: Right.

MR. KANE: And the lights themselves will not bother any drivers driving by?

MR. WALSH: No, this is very common in all the plazas in the area, very similar.

MR. KANE: Any further questions? We'll accept a motion.

MS. LOCEY: I'll offer to schedule a public hearing on the application of 4 Seasons Dollar Store request for a is it 8 inch sign number one and request for second sign to measure 1.6 inches by 16 feet 2 inches all at 176 Windsor Highway, Suite 100-500 in a PUD area.

MS. GANN: Second the motion.

ROLL CALL

MS. GANN	AYE
MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

BAKERS_DOZEN_TOO_(06-27)

Mr. Tom Walsh appeared before the board for this proposal.

MR. KANE: Request for sign variance, 7'9" variance request at 176 Windsor Highway, Suite 900 in a PUD area.

MR. WALSH: Good evening again, basically the same situation, except that this frontage is smaller where he only has the one indenture and he'd like to have a sign placed, again, it's under the square footage of the 1 1/2 by 10 foot sign, it's just that the indenture doesn't allow for that type of sign.

MR. KANE: So while we're a little longer in length we're under the total square footage and according to the picture the sign definitely fits the front of the building in this space that they provided for the sign.

MR. WALSH: And we're trying to keep consistent signage throughout the plaza again.

MR. KANE: Internally illuminated, non-flashing?

MR. WALSH: Same as the other one, correct.

MR. BABCOCK: Also the size of the sign lettering is actually smaller than what we're doing is taking the measure of the tall indentation and calling that the sign, the Bakers Dozen sign is only 18 inches high but we're saying it's 22 inches high because that's the area.

MR. KANE: That's the area they have the recess.

MR. BABCOCK: That's correct, they're actually asking for a smaller size sign than what numbers indicate.

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MR. KANE: Looks good in the picture, I have no problem with it. Any other questions from the board? I'll accept a motion.

MR. LUNDSTROM: I will offer a motion that Bakers Dozen Too be granted approval to proceed to public hearing for request for sign variance, permit is 10 feet, proposed is 17 feet 9 inches, variance request is 7 feet 9 inches at 176 Windsor Highway, Suite 900 in a PUD area, section, block and lot 4-2-21.12.

MS. LOCEY: I will second that motion.

ROLL CALL

MS. GANN	AYE
MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

CHARLOTTE_FARRELL_(06-28)

Ms. Charlotte Farrell appeared before the board for this proposal.

MR. KANE: Request for 15 ft. front yard setback for existing front deck at 300 Oak Drive.

MR. LUNDSTROM: If I may, this particular property is, this particular application is a neighbor of mine abutting my property, whether this variance is granted or not will have no financial implication, will not benefit or deter my family at all and I will ask the board now if they would want me to rescue myself on this or not.

MR. KANE: You feel you can make a fair decision?

MR. LUNDSTROM: Yes.

MR. KANE: I see no reason to recuse. Thank you for the statement. Hi, tell us what you want to do.

MS. FARRELL: Well, we did it. When we have bought the house, it was a concrete what I would call a stoop, steps, and few years ago, we had them removed and we put a deck on the front. I didn't realize that there was, we're now 30 feet from the street, we're supposed to be 45 and it, we have pictures there that show the houses, actually, our house is not as close to the street as the houses on either side of us.

MR. KANE: Does it extend passed any of the other homes that are on your side of the street?

MS. FARRELL: No.

MR. KANE: Actually further back?

MS. FARRELL: Yes.

MR. KANE: Without a deck there or the steps walking out your front door would be a little hazardous?

MS. FARRELL: Absolutely, very big first step.

MR. KANE: Some questions may seem a little ridiculous but we have to ask them. Cut down any trees or substantial vegetation in the building of the deck?

MS. FARRELL: No.

MR. KANE: Create any water hazards or runoffs with the building of the deck?

MS. FARRELL: No.

MR. KANE: Is there any easements where the deck is?

MS. FARRELL: No.

MR. KANE: Has there been any complaints formally or informally about the deck?

MS. FARRELL: No.

MR. KANE: And the size of the deck?

MR. BABCOCK: Eight by ten right now.

MR. KANE: Eight foot out from the house with a ten foot length and the steps are going down to the side?

MR. BABCOCK: Yes, the house is 38 feet from the property line and today's code the house is required to be 45 feet, so she's not allowed any deck there so no matter what size deck she would build--

MR. KANE: She walks out the front of the house she'll keep falling down.

MR. BABCOCK: No matter what size she'll need a variance.

MR. KANE: Thanks, Mike. Any further question? I have none. I'll accept a motion also.

MS. GANN: I will offer a motion that we set up Charlotte Farrell for a public hearing for her request for 15 foot front yard setback for existing front deck at 300 Oak Drive in an R-4 zone.

MS. LOCEY: I'll second that.

ROLL CALL

MS. GANN	AYE
MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

MR. KANE: In New Windsor, what we do is a preliminary hearing this way we can get an idea of what you need to do and if we had any specific requests we would have asked you about it. Now to make a decision we have to do it in a public hearing which will be later on, some towns you walk in cold, if you don't have the right information and they vote you lose, you got to wait six months to come back, that's why we do a two step process.

MS. FARRELL: Now, how will I know what the next step is?

MS. MASON: Just read that paper. If you really want to talk, call me tomorrow.

MR. KANE: She'll answer any questions you have.

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MS. FARRELL: Thank you.

BRIAN_BREHENY_(06-29)

Ms. Jody Breheny appeared before the board for this proposal.

MR. KANE: Request for 30 ft. rear yard setback for proposed 16 ft. x 16 ft. rear deck at 2644 Liberty Ridge. Tell us what you want to do.

MS. BREHENY: We'd like to put a deck on the rear portion of our house just for barbecuing, basically I'm tired of walking down four steps to barbecue so that's pretty much it.

MR. LUNDSTROM: Just for the record, it looks like it's clear on the pictures but I think we need it for the record, the construction of the deck will not cut down substantial vegetation?

MS. BREHENY: We have no trees. I wish there were trees. We couldn't cut them down.

MR. TORPEY: How many trees you think you're going to use to build the deck?

MS. GANN: Will the size of the deck fit into the character of the neighborhood?

MS. BREHENY: Yeah, a few other of the neighbors put decks in I think relatively up close to the size we have, we'd be the first on our side, two people behind us have them.

MR. KANE: Anybody putting a deck on is going to come see us. Any easements running through where you want to put the deck?

MS. BREHENY: Not where the deck is, we did have to sign an easement but it's at the very edge of our property so--

MR. KANE: Deck itself?

MS. BREHENY: Will not cover an easement.

MR. KANE: Not creating water hazards or runoffs in the building of the deck?

MS. BREHENY: No.

MR. KANE: Deck replaces the small set of steps coming out the rear entrance?

MS. BREHENY: Yes, they'll be taken down, yes.

MR. KANE: I'm good. Anybody have further questions? I'll accept a motion.

MS. LOCEY: I will offer a motion to schedule a public hearing on the application of Brian Breheny and their request for a 30 foot rear yard setback for proposed 16 foot by 16 foot rear deck at 2644 Liberty Ridge in an R-3 zone.

MR. LUNDSTROM: I will second that motion.

ROLL CALL

MS. GANN	AYE
MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

PUBLIC_HEARINGS:

ROBERT_MAZUREK_(06-17)

MR. KANE: Request for 98 ft. rear yard setback and 132 sq. ft. developmental coverage for proposed deck at 118 Vails Gate Heights Drive in an R-5 zone.

Mr. and Mrs. Robert Mazurek appeared before the board for this proposal.

MR. KANE: Hi, just like in the preliminary do you want to just tell us what you're doing?

MR. MAZUREK: We're just putting a deck, it's going to be on the ground, it's 6, 8 inches above the ground, it's going to cover most of the back yard, basically that's it, it's not attached to the house, it's wood.

MR. KANE: Cutting down any trees or substantial vegetation?

MR. MAZUREK: No.

MR. KANE: Creating any water hazards?

MR. MAZUREK: No.

MR. KANE: Any easements running through the area that you want to build the deck?

MR. MAZUREK: No, no.

MR. KANE: Is the property behind the wooden fence that goes up to the metal fence is that your property too?

MR. MAZUREK: No.

MR. KANE: The deck itself is going to be similar in size and nature to other decks in your neighborhood?

MR. MAZUREK: There's not many decks in the neighborhood.

MR. KANE: But you don't consider it overly big?

MR. MAZUREK: No, it's a small yard, it's just we can't grow grass so we might as well put wood back there.

MR. KANE: Any other questions? I will ask if there's anybody in the audience for this particular hearing. No? So we'll open and close the public portion of the meeting, ask Myra how many mailings we had.

MS. MASON: On April 19, I mailed out 68 envelopes, had no response.

MR. KANE: Nobody cares.

MR. MAZUREK: Exactly.

MR. KANE: Okay, I will bring it back to the board and ask if anybody has any further comments or questions? I'll accept a motion.

MR. LUNDSTROM: Mr. Chair, I will offer a motion that the application by Mr. Robert Mazurek, request for 98 foot rear yard setback and 132 square foot development coverage for proposed deck at 118 Vails Gate Heights Drive in an R-5 zone, section 71-2-18 be approved.

MS. LOCEY: Second the motion.

ROLL CALL

MS. GANN	AYE
MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

MICHAEL_&_TAMMY_PHIPPS_(06-16)

Ms. Tammy Phipps appeared before the board for this proposal.

MR. KANE: Request for 14 ft. rear yard setback for existing 10 x 20 enclosed porch at 4 Cresthaven Drive in an R-4 zone.

MS. PHIPPS: We have sold our home, the porch was there when we bought the house, from what I understand from the neighbors it was built 30 years ago, we're just here to get a building permit and C.O. to sell the house, the new owners would like to keep it.

MR. KANE: Answer these questions to the best of your knowledge. Cutting down any trees, substantial vegetation in the building of it?

MS. PHIPPS: No.

MR. KANE: Water hazards or runoff?

MS. PHIPPS: No.

MR. KANE: Has there been any complaints in the time you've been in the home over this?

MS. PHIPPS: No.

MR. KANE: Any easements running through that section?

MS. PHIPPS: No.

MR. KANE: Enclosed porch or deck is similar to other decks that are in your neighborhood in size?

MS. PHIPPS: Yes.

MR. KRIEGER: Now it fills in a cavity or vacancy in

the house, it faces on the same plane as the, as part of the house?

MS. PHIPPS: It's in the back of the house so it's not even visible from the front, is that what you meant?

MR. KRIEGER: That, no, that's not exactly what I meant but it helps, saves me another question, but it doesn't cause the house to extend any farther in the back than it already extends because of the back of the garage?

MS. PHIPPS: It sticks out farther than the house, it doesn't come out.

MR. KANE: No, that's kind of an optical illusion, see the way you're saying it, that's all on footings, the one picture on the bottom right, kind of an optical illusion.

MR. TORPEY: It's part of the house and the structure.

MS. PHIPPS: Doesn't stick out the side, but it does stick out the back.

MR. KANE: That would leave 26 feet in the back, Mike.

MR. BABCOCK: 36.

MR. KANE: They need 50 in the back.

MR. BABCOCK: That's correct in todays.

MR. KANE: I have no further questions so what I will ask if there's anybody in the audience for this particular hearing? There isn't. We'll open and close the public portion of the hearing, ask Myra how many mailings we had.

MS. MASON: On April 10, I mailed out 81 envelopes, had no response.

MR. KANE: That's a lot of envelopes. Any questions from the board? I'll accept a motion then.

MS. GANN: I will offer a motion that we grant Michael and Tammy Phipps their request for 14 foot rear yard setback for existing 10 x 20 enclosed porch at 4 Cresthaven Drive in an R-4 zone.

MR. LUNDSTROM: I will second that motion, Mr. Chairman.

ROLL CALL

MS. GANN	AYE
MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

FORMAL_DECISIONS:

1. LEWIS
2. EVANGELISTO (DETORO)
3. MCKNIGHT
4. MONCZYN

MR. KANE: Formal decisions, we have four formal decisions, want to take them all in one vote?

MS. LOCEY: Yes.

MR. KANE: I'll accept a motion.

MS. LOCEY: I offer a motion to accept the formal decisions as listed on the agenda for the Zoning Board of Appeals meeting of May 8, 2006.

MR. TORPEY: I'll second it.

ROLL CALL

MS. GANN	AYE
MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	AYE

MR. KANE: Motion to adjourn.

MR. LUNDSTROM: So moved.

MS. GANN: Second it.

ROLL CALL

MS. GANN	AYE
MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE

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MR. KANE

AYE

Respectfully Submitted By:

Frances Roth
Stenographer